

BLD-051

November 13, 2015

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **15-2651**

SHAWN TOMAS MOORE, Appellant

VS.

BRIAN LUFFEY, PrimeCare Administrator;
SUSEN ROSSINO, M.D.; PRIMECARE MEDICAL INC.

(W.D. Pa. Civ. No. 2-14-cv-00870)

Present: FUENTES, KRAUSE and SCIRICA, Circuit Judges

- (1) Submitted by the Clerk for possible dismissal due to jurisdictional defect;
 - (2) Submitted by the Clerk for possible dismissal under 28 U.S.C. § 1915(e)(2) or summary action under Third Circuit L.A.R. 27.4 & I.O.P. 10.6;
 - (3) Appellant's jurisdictional response;
 - (4) Appellees' jurisdictional response;
 - (5) Appellant's argument in support of appeal;
 - (6) Appellant's motion to proceed on the original record; and
 - (7) Appellant's motion for appointment of counsel
- in the above-captioned case.

Respectfully,

Clerk

SHAWN TOMAS MOORE, Appellant

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Page 2

MMW/AKP/tmm

ORDER

This appeal is dismissed for lack of jurisdiction. An order entered by a district court that adjudicates fewer than all the claims in an action, or determines the rights and liabilities of fewer than all the parties, is not immediately appealable unless the district court directs the entry of a final judgment as to some subset of the claims or parties. Fed. R. Civ. P. 54(b). The order appealed from denied Appellees' motion to dismiss, ensuring that litigation would continue on this matter. Therefore, we lack appellate jurisdiction and cannot review the order at this time. See Hill v. City of Scranton, 411 F.3d 118, 124 (3d Cir. 2005). The motions for appointment of counsel and to proceed on the original record are denied as moot.

By the Court,

s/ Julio M. Fuentes
Circuit Judge

Dated: November 23, 2015

tmm/cc: Mr. Shawn Thomas Moore

Sean D. Callaghan, Esq.

Matthew Ridley, Esq.



Marcia M. Waldron

Marcia M. Waldron, Clerk

Certified order issued in lieu of mandate.